

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

ASHANTI HARRELL,

Defendant.

-----X

FEUERSTEIN, District Judge:

ORDER

07-cr-0516-12 (SJF)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 16 2012 ★

LONG ISLAND OFFICE

On May 7, 2012, the Court received the pro se defendant's notice of appeal from the Court's April 10, 2012 order denying him a sentence reduction pursuant to 18 U.S.C. § 3582(c). Defendant requests that the Court accept his notice of appeal despite the fact he believes it to be untimely.

Although the Court's order was dated April 10, 2012, it was not entered until the following day, April 11, 2012. Therefore, the Court finds that the notice of appeal, which appears to have been deposited in a prison mailbox on April 25, 2012, is timely. See Fed. R. App. P. 4(b)(1)(A), 4(c)(1).¹

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: May 16, 2012
Central Islip, New York

¹ Even if the notice was untimely, the defendant has demonstrated "good cause" sufficient to warrant an extension of time. See Fed. R. App. P. 4(b)(4).